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| <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p> | <p>Policy Number</p> <p style="text-align: center;">15.3</p> <p>Date Filed</p> <p style="text-align: center;">October 14, 2005</p> | <p>Total Pages</p> <p style="text-align: center;">7</p> <p>Effective Date</p> <p style="text-align: center;">February 3, 2006</p> |
| <p>Authority/References</p> <p>KRS 197.045, 197.020, 196.035, 439.3401 ACA 4-4097</p> | <p>Subject</p> <p style="text-align: center;">MERITORIOUS GOOD TIME</p> | |

I. DEFINITIONS

"Anniversary date" means the "date sentenced or received" as recorded on the second line of the resident record card. The inmate's eligibility for meritorious good time shall be reviewed each year through that date.

"Eligibility list" means a computer generated list of the names of inmates who shall be considered for meritorious good time. Each month's list shall contain the names of those inmates whose anniversary date falls within the month for which the list is produced.

"Exceptional award" means meritorious good time for which the Commissioner shall waive the eligibility requirements established in II.A due to the performance of exceptional meritorious service, for example, acts of heroism. The total of meritorious good time, including exceptional awards, shall not exceed five (5) days for any month served.

"Major violation" is defined in Corrections Policies and Procedures 15.2.

"Meritorious good time" means a good time credit that may be awarded for clear conduct and program participation pursuant to KRS 197.045(3).

"Partial award" means an inmate may be considered for an award for time served prior to his first anniversary date.

"Sex offender" is defined by KRS 17.550(2) and KRS 197.410.

"Statutory Good Time" means a credit that may be awarded pursuant to KRS 197.045(1).

"Violent offender" is defined by KRS 439.3401(1).

II. REVIEWS

- A. An inmate shall be considered for Meritorious good time annually through his anniversary date except for an inmate who:

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1. has more than ninety (90) days statutory good time loss outstanding that is subject to restoration. The inmate shall not be eligible for an award.
2. has lost non-restorable good time. The inmate shall not be eligible for meritorious good time until five (5) calendar years from the date of conviction which resulted in the non-restorable good time loss.
 - a. This five (5) year period shall not be considered for an award of meritorious good time.
 - b. At the first annual review following the five (5) year period, the institution shall review the inmate for consideration of meritorious good time.
 - c. If appropriate, institutional staff may submit to the Classification Branch Manager a memorandum recommending a meritorious good time award.
 - d. The Central Office Classification Committee shall review the recommendation for approval or disapproval.
 - e. If disapproved, the institution may submit, if appropriate, a recommendation on each subsequent annual review.
 - f. If approved, the recommendation shall be forwarded to the Deputy Commissioner of Adult Institutions for disposition.
 - g. If approved by the Deputy Commissioner, it shall then be forwarded to the Commissioner for final disposition.
 - h. After the recommendation is approved by the Central Office Classification Committee, a future award shall fall under the regular schedule of reviews.
3. is due to be released by minimum expiration of sentence, prior to his anniversary date. The inmate shall be reviewed within one hundred and twenty (120) days prior to the actual minimum expiration of his sentence.
 - a. Each records office shall have a tentative minimum expiration or conditional release list that may be used to identify the individual.
 - b. These recommendations shall be submitted in the form of a memorandum to the Director of Operations at least ten (10) working days prior to the projected release date.

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- B. If an inmate is recommended for an Exceptional Award, a memorandum shall be submitted by the Warden to the Director of Operations for review. If approved, the recommendation shall be forwarded to the Deputy Commissioner and Commissioner.
- C.
 - 1. An inmate convicted as a sex offender for a crime committed prior to 15 July 1998 may earn and be awarded meritorious good time as set forth in this policy.
 - 2. An inmate convicted of, pleading guilty to, or entering an Alford plea as a sex offender for a crime committed on or after July 15, 1998 may earn, and be entitled to, meritorious good time as set forth in KRS 197.045(4).
- D. If the inmate escaped or is convicted of an additional felony which occurred while in an institution or jail, the six (6) month period following his return to the institution from escape status or conviction of another felony shall not be considered for an award of meritorious good time. If an inmate returns after serving a portion of his sentence:

- (1) as a shock probation violator; pre-release probation violator, or
- (2) as a parole violator,

he shall serve six (6) consecutive months after his return to an institution before he is reviewed in order to allow him to establish a pattern of behavior. Parole or shock probation violation time shall not count as a portion of that six (6) month period.

III. AMOUNT OF MERITORIOUS GOOD TIME AWARDED

- A. A violent offender shall receive meritorious good time to the extent authorized by KRS 439.3401(4).
- B. Utilizing the anniversary date, the inmate shall be considered for an award up to, sixty (60) days for the previous twelve-month period.
 - 1. There shall be a decrease in the amount of time awarded by five (5) days for each month in which a conviction of a Major Violation is received.
 - 2. Multiple convictions within a single month shall result in only one five-day (5) deduction.
- C. An incident report filed by any official regarding the conduct of an inmate while housed in a jail, shall be reviewed if determining the amount of meritorious good time for which an inmate is eligible. Five (5) days may be deducted for each month in which a major incident occurred.

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- D. If an inmate has ninety (90) days or less outstanding good time loss that is subject to restoration, he shall be eligible for meritorious good time.
- E. An inmate who may be eligible to receive a partial award shall be reviewed for an award not to exceed five (5) days per month for each month served. Credit shall not be given for a month in which a conviction is received for a major category disciplinary violation or if the inmate served less than an entire calendar month.
- F. Once an award period is reviewed, a future award shall not include a previously considered time period.
- G. Meritorious good time may be awarded on jail time or parole violation time served after June 21, 1974, which is the effective date of KRS 197.045(3).
 - 1. An inmate may be awarded five (5) days for each full calendar month served as jail time or parole violation time. Example: An inmate who has seven (7) months and twenty (20) days of credit, jail time or parole violation time, shall only be reviewed for the seven (7) full months served.
 - 2. A partial month shall not enter into consideration for award amounts.
 - 3. Jail credit and parole violation time may be added together for calculation purposes.
 - 4. Institutional time shall be calculated in full month increments only and shall not be added to jail credit or parole violation time.
- H. Even if an inmate has received a meritorious good time award, the Department of Corrections shall retain the authority to void or adjust the amount of the award at any time during the inmate's incarceration, if a review of the record indicates that the award is made in error of law or applicable Corrections policy and procedure.

IV. AWARD AND REVIEW PROCEDURES

A. Institutions

- 1. A monthly eligibility list shall be printed in the institutional records office at each institution on the first day of the month following the anniversary month.
 - a. Program staff shall review the inmate record to determine the amount of the total award to which an inmate is eligible.
 - b. Program staff shall:
 - (1) complete the information on the eligibility list;

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- (2) enter the recommendation on the Record of Interview sheet contained in the inmate's file to reflect the amount of the award and the award period; and
- (3) forward the recommendation to the Warden for approval or disapproval and signature.

2. Each records section shall enter the award recommendation into the ORION system and forward the eligibility list to Central Office Offender Information.

B. Local Facilities

A monthly eligibility list shall be printed in the Division of Local Facilities on a monthly basis for the inmate population in Class D, controlled intake, and Community Service Programs.

1. The eligibility list shall:
 - (a) be completed;
 - (b) the information entered on the Record of Interview sheet contained in the inmate's file to reflect the amount of the award and the award period; and
 - (c) be presented to the Director of Local Facilities for approval or disapproval and signature.
2. The list shall then be forwarded to Central Office Offender Information.

C. Contract Facilities

A monthly eligibility list shall be forwarded to each contract facility.

1. Program staff shall review the inmate record to determine the amount of a recommended award.
2. Program staff shall complete the information on the eligibility list and forward it to the Warden for approval or disapproval and signature.
3. The list shall then be forwarded to the Central Office Offender Information.

D. Interstate Corrections Compact Inmates

A yearly list shall be printed in Central Office, on or about each January, for the inmate population housed under the Interstate Corrections Compact.

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1. A progress report on an inmate eligible for meritorious good time shall be obtained from the housing state by the Interstate Compact Administrator or his designee. The information shall be forwarded to Central Office Offender Information.
2. Central Office Offender Information shall determine the amount of award the inmate is eligible for and shall forward this amount to the Central Office Classification Committee for approval or disapproval.

E. Recommended Award Amount

If calculating the amount of meritorious good time for which an inmate shall be eligible, staff shall determine an amount of award in increments of five (5) days for:

1. each whole month during which the inmate was not convicted of a major violation; or
2. which there is no documentation of a rule violation in an institution or local facility.
3. The institutional staff shall use discretion in determining if all or a portion of that amount is approved and submitted to Central Office.

F. Commissioner's Review

Central Office Offender Information shall verify the award amount, and forward the list to the Commissioner for final approval or disapproval.

V. FORFEITURE

- A. All statutory good time shall be forfeited before meritorious good time is forfeited.
- B. Meritorious good time awarded by the Commissioner for acts of exceptionally meritorious services shall not be subject to forfeiture.
- C. Meritorious good time awarded under this procedure may be forfeited if the inmate is convicted of a major violation.

VI. DOCUMENTATION

An institutional recommendation shall be indicated on the record of interview sheet in each inmate's institutional record. The resident record card shall be used to show approval and effective date. The computer print out list shall be maintained in the Central Office Offender Information.

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VII. RESTORATION

Meritorious good time that was forfeited shall not be subject to restoration.

VIII. EXPUNGEMENT

If a major disciplinary report is expunged after an inmate has been reviewed for an award of meritorious good time, and the month in which it occurred has been deducted from a previous award, the inmate may be reviewed immediately for an adjustment.

- A. The Offender Information Office completing the expungement shall notify the inmate when the expungement is complete.
- B. It shall be the responsibility of the inmate to notify the classification and treatment officer of the expungement.
- C. The classification and treatment officer shall review for eligibility and, if appropriate, submit a supplemental recommendation.
- D. If the supplemental award has been approved, an adjustment shall be made to the inmate's previous meritorious good time award.